

Message Text

CONFIDENTIAL

PAGE 01 MANILA 11759 01 OF 02 300508Z
ACTION EA-09

INFO OCT-01 ISO-00 ONY-00 SS-15 /025 W
-----013488 300511Z /21
R 300445Z JUL 77
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 3045

C O N F I D E N T I A L SECTION 1 OF 2 MANILA11759

EA ONLY

DEPARTMENT FOR FLECT, EA/PHL

E.O. 11652: GDS
TAGS: SHUM, RP
SUBJECT: DRAFT HUMAN RIGHTS EVALUATION PLAN

REF: FLECK/STULL LETTER JULY 14

1. JUST
RECEIVED

REF LETTER WITH SUBJECT PLAN. OVERALL,
WE BELIEVE PLAN WELL DONE AND SEE NO NEED FOR SWEEPING CHANGES.
OUR COMMENTS ARE INTENDED TO ELIMINATE UNNECESSARY VERBAGE
THAT IN SOME CASES MIGHT PROVE VULNERABLE TO CRITICISM AND
TO SUGGEST MODEST CHANGES IN TONE.

2. INTRODUCTION (PP.1-3). WE ARE LEAST PLEASED WITH THIS
SECTION. SUGGEST DRAFT BE TIGHTENED, LANGUAGE REFINED.
FOR EXAMPLE DELETE "WHICH THE PRESIDENT MAY ACCEPT AT ANY
TIME", ITS OBVIOUS. DELETE "WHICH PRIOR TO MARTIAL LAW
WOULD HAVE BEEN TRIED IN CIVILIAN COURTS"; ITS CHANGING.
DELETE "AND DISMISSAL"; IT GOES WITHOUT SAYING
ESTIMATE THAT THERE "PROBABLY LESS THAN 2,000 POLITICAL
PRISONERS" SEEMS OVERLY PESSIMISTIC. PRESIDENT MARCOS'
JUNE 1977 FIGURE OF 598 PRISONERS HELD FOR SECURITY OR
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POLITICAL VIOLATIONS SEEMED REASONABLE BALLPARK FIGURE;
A FEW IN THIS CATEGORY WERE AMONG 1,000 DETAINEES REPOR-
TEDLY RECENTLY RELEASED. LENGTH OF TIME DETAINEES HAVE
BEEN HELD WITHOUT TRIAL OR CHARGES CAN BE AS LONG AS
FOUR YEARS AND NINE MONTHS (I.E., SINCE SEPTEMBER 21, 1972).
PARA PAGE 2 ABOUT "MOST FILIPINOS" BEING UNAFFECTED IS
PROBABLY LITERALLY TRUE BUT HARDLY SIGNIFICANT; IF HOW-

EVER A MINORITY OF SAY 20 PERCENT TO 49 PERCENT WERE AFFECTED, AS THEY MIGHT, THEY WOULD BE SIGNIFICANT. THE CONSTABULARY, FOR EXAMPLE, PENETRATES THROUGHOUT THE PHILIPPINES AND ITS PERCEIVED USE AND ABUSE OF MARTIAL LAW AUTHORITY AFFECT A LOT OF FILIPINOS.

DELETE "IN EVALUATING THE CURRENT SITUATION"; SOUNDS DEFENSIVE. DELETE "VIVACIOUSLY"; (SOUNDS MISLEADING AND IS ACCORDING TO OUR DICTIONARY) -- INDEED SENSE OF ENTIRE PHRASE CONFUSES/ESCAPES US.

3. RESPECT FOR INTEGRITY OF PERSON. IT IS NOT ALTOGETHER APT TO STATE THAT TORTURE HAS TAKEN PLACE "ALMOST EXCLUSIVELY DURING POST-ARREST, PRE-DETENTION INTERROGATION". IN SOME CASES, INDIVIDUALS HAVE BEEN PICKED UP WITHOUT ARREST PROCEEDINGS. WE CANNOT EXCLUDE POSSIBILITY A FEW PEOPLE HAVE SIMPLY DISAPPEARED. ACCORDINGLY, DELETE "POST ARREST".

WE SUSPECT THAT AMONG THE 1,000 DETAINEES RECENTLY ORDERED RELEASED BY MARCOS, THE NUMBER WHO FALL INTO THE SECURITY CATEGORY IS SMALL. ONE CHURCH SOURCE ESTIMATED NUMBER AT 30. WE HAVE JUST OBTAINED COPIES OF RECENT UNPUBLISHED GENERAL ORDERS TRANSFERRING ALL CASES FROM MILITARY TO CIVILIAN COURTS EXCEPT THOSE INVOLVING SUBVERSION, FIREARMS VIOLATIONS, OR CRIMES COMMITTED BY THE MEMBERS OF THE ARMED FORCES (SEPTTEL).

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C O N F I D E N T I A L SECTION 2 OF 2 MANILA 11759

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SECTION ON INVASION OF HOME PROBABLY UNDERESTIMATES EXTENT OF VIOLATIONS; ALTHOUGH EVEN "ONLY A VERY SMALL PERCENTAGE" (SAY 2.5 PERCENT OR 1.1 MILLION FILIPINOS) COULD CONSTITUTE ONE HELL OF A LOT OF ABUSE. WE BELIEVE

SATURATION DRIVES EMPLOYED BY PC AS ANTI-CRIME TACTIC (MANILA A-139) HAVE AFFECTED RELATIVELY LARGE NUMBERS OF LESS-ALLUENT MANILA RESIDENTS. UNDER MARTIAL LAW THERE ARE FEW REALISTIC CHECKS OTHER THAN POLICE SELF-RESTRAINT AGAINST UNREASONABLE SEARCH AND SEIZURE. WE SUSPECT THIS IS ONE OF THE MORE FREQUENTLY VIOLATED HUMAN RIGHTS. ALSO, UNDER EXTENDED FAMILY SYSTEM, WHEN ONE FILIPINO IS AFFECTED MANY MORE ARE AGGREIVED.

4. RESPECT FOR CIVIL AND POLITICAL LIBERTIES DELETE "THERE IS NO STATE IDEOLOGY"; NO POINT IN TAKING ON DEBATE AS TO WHETHER EXTENSIVE RHETORIC OF NEW SOCIETY CONSTITUTES IDEOLOGY. REFERENCES TO "CONTROLLED PRESS" SHOULD BE CHANGED THROUGHOUT TO "CONTROLLED MEDIA"; SINCE RADIO AND TV UNDER SAME CONSTRAINT AS PRESS. PARAGRAPH ON RELIGIOUS DISCRIMINATION SHOULD NOTE REGIME PERCEIVES SOME CHURCH ACTIVITIES AS SUBVERSIVE AND/OR LINKED TO RADICAL LEFT. ALSO ELEMENTS OF CHURCH DO SEEK TO ACT AS ADVOCATES AND OMBUDSMEN IN HUMAN RIGHTS FIELD. CONFIDENTIAL

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PARAGRAPH ON FREEDOM OF ASSOCIATION SLIGHTLY UNDERSTATES EXTENT TO WHICH THIS FREEDOM IS ABRIDGED. GOP REFUSES PERMITS FOR RALLIES OR ASSEMBLIES WHICH IT SEES AS THREATENING TO PUBLIC ORDER. INTERPRETATION OF WHAT MIGHT CONSTITUTE THREAT TO PUBLIC ORDER IS STRICT. UNAUTHORIZED DEMONSTRATIONS ARE REGULARLY BROKEN UP BY POLICE WHEN CROWDS BECOME LARGE OR WHEN PARTICIPANTS STRAY FROM FEW AREAS WHERE RALLIES ARE TOLERATED OR SHOUT ANTI-REGIME SLOGANS TOO ENTHUSIASTICALLY. SECTION ON FREEDOM OF MOVEMENT UNDERSTATES RESTRICTIONS ON FOREIGN TRAVEL. POLITICALLY SUSPECT INDIVIDUALS MUST UNDERGO THOROUGH, TIME-CONSUMING SECURITY CHECKS. SAME ARDUOUS PROCEDURES APPLY WHETHER PURPOSE IS TOURISM, BUSINESS, OR EMIGRATION. ONLY A FEW PROMINENT OPPOSITIONISTS HAVE BEEN GRANTED EXIT PERMITS. YOU MAY WISH TO ADD TO SECTION ON POLITICAL PARTICIPATION THAT PRESIDENT MARCOS REITERATED YET AGAIN ON JULY 27 HIS INTENTION TO HOLD ELECTIONS FOR SOME FORM OF LEGISLATURE AS SOON AS POSSIBLE (MANILA 11655).

5. RECENT TRENDS IN POLICIES RELATING TO FULFILLMENT OF BASIC NEEDS. IT MIGHT BE WORTHWHILE NOTING AT ONSET THAT FULFILLMENT OF BASIC NEEDS IS LIMITED NOT ONLY BY THE ECONOMY'S ABILITY TO PROVIDE GOODS AND SERVICES, BUT ALSO BY INEQUITABLE DISTRIBUTION OF SOCIAL PRODUCT. HIGHER EDUCATION IS BY NO MEANS THE ONLY RIGHT ENJOYED PRIMARILY BY THOSE WHO CAN AFFORD TO PAY FOR IT. SECTION IS WORDY.

6. GOVERNMENT RESPONSIBILITY. SUGGEST RE MUSLIM INSURGENCY
SOME COGNIZANCE THAT A CEASEFIRE HAS BEEN IN EFFECT
SINCE JANUARY 1977.

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7. ANALYSIS AND RECOMMENDATION. WE BELIEVE THIS MOST
IMPORTANT SECTION WELL DONE. SUGGEST LESS PATRONIZING
PHRASE THAN "WE CAN TOLERATE" ON PAGE 17, PERHAPS "WE
CAN ACCOMMODATE TO". SUGGEST YOU CONSIDER INSERTING
"NOTABLY" BEFORE "FORTHRIGHT CONSULTATIONS" ON PAGE 18.
THRUST OF OUR APPROACH NOW MUST BE THAT WHILE PROMISING
BEGINNING HAS BEEN MADE, IT IS ONLY BEGINNING. MANY
PEOPLE ARE SCEPTICAL, MANY HOPEFUL, MANY BOTH (INCLUDING
ME); ALL ARE ATTENTIVE -- SEEKING TO DISCERN A TREND.
FEW AS YET WOULD AGREE THAT MARCOS "HAS BEEN RESPONSIVE
TO OUR VIEWS,"; MORE ALREADY FEAR THAT ITS ALL A MARCOS
DECEPTION TO FOOL THE AMERICANS AND TO PREEMPT AND PERVERT
THE HUMAN RIGHTS ISSUE. WE NEED TO BE PARTICULARLY SENSI-
TIVE TO THIS VOLATILE MIX OF EMOTIONS AND EXPECTATIONS.
WITH REGARD HERRERA CASE, NOTE THAT ONLY ONE OFFICER
(MATILLANO) ACCUSED OF TORTURING DETAINEE IS BEING
COURT-MARTIALED. CO-DEFENDANT REGIS HAS BNOT BEEN ACCUSED
BY MRS. HERRERA OF PARTICIPATING IN TORTURE, BUT WAS
INCLUDED IN COURT MARTIAL PROCEEDINGS BY THE GOVERNMENT
(PERHAPS TO THAT ONE CAN BE FOUND NOT GUILTY). DELETE
FINAL SENTENCE; ITS A STRAWMAN.

8. CONGRATULATIONS*

9. NOTE EA ONLY CAPTION.
STULL

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Message Attributes

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Status: NATIVE
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Type: TE
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